

at seven hundred and fifty dollars ; and that they were of sound and healthful constitutions, when they were radically and permanently diseased. The complainant stated, that the negroes had been of very little service to him, requiring frequent care and medical attendance, and that one of them, an infant, died before the bill was filed ; and that as soon as he ascertained their unhealthy condition, which was about a month after the sale, he applied, without success, to the defendants to take them back, and to return the securities given for the payment of the purchase money, consisting of certain single bills by him assigned to them.

The bill prayed that the sale might be vacated as fraudulent, and the administrators restrained by injunction from assigning or collecting, and the makers from paying, the single bills given by the complainant for the purchase money ; which injunction was granted by the Chancellor.

The answer denied most of the averments of the bill, and testimony was taken under a commission, the effect of which is stated by the Chancellor ; who, after hearing the arguments of counsel, delivered the following opinion:]

THE CHANCELLOR :

The case has been fully and very well discussed at the bar ; and the court has bestowed upon it all the reflection which its importance and the considerations connected with it require.

That the negroes were diseased prior to, and at the time of the sale, and since ; and that the price paid for them greatly exceeded their value, has, I think, been incontestibly established by the proof. And it is also clearly shown, that the complainant purchased them under the erroneous impression that they were sound and healthy negroes ; the price being a full one for slaves of that description.

And hence, in my judgment, it follows, that justice requires the rescission of the contract of purchase, unless it appears that the complainant, by some act of commission or omission on his part, has forfeited his title to relief ; or unless it can be shown, that blindly relying upon his own judgment, he made